

EXHIBIT 109

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,)Case No.
et al.,)1:23-cv-00108-LMB-JFA
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)

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VIDEOTAPED 30(b)(6) DEPOSITION OF
NATIONAL HIGHWAY TRAFFIC SAFETY ASSOCIATION
through the testimony of
SUSAN A. McMEEN
September 26, 2023
2:55 p.m.

Reported by: Bonnie L. Russo
Job No. 6105353

Veritext Legal Solutions

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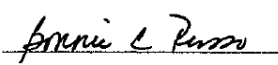
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<p style="text-align: right;">Page 2</p> <p>1 Videotaped 30(b)(6) Deposition of 2 National Highway Traffic Safety Association 3 through the testimony of Susan A. McMeen held 4 at: 5 6 7 8 9 Paul, Weiss, Rifkind, Wharton & Garrison, LLP 10 2001 K Street, N.W. 11 Washington, D.C. 12 13 14 15 16 17 18 Pursuant to Notice, when were present on behalf 19 of the respective parties: 20 21 22</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 EXAMINATION OF SUSAN A. McMEEN PAGE 3 BY MR. GREENBAUM 7 4 5 6 EXHIBITS 7 8 Exhibit 140 Plaintiff United States 17 9 of America's Response to 10 Defendant Google LLC's 11 Second Set of Interrogatories 12 to the United States 13 Exhibit 141 E-Mail dated 11-19-20 57 14 NHTSA-ADS-0000500223-233 15 16 Exhibit 142 2022 NHTSA ADAS Campaign 74 17 18 Exhibit 143 Google Display 75 19 Observations 20 Exhibit 144 E-Mail Chain dated 8-10-22 86 21 Attachment 22 NHTSA-ADS-00002252582-648 23 24 (Exhibits bound separately.)</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 On behalf of the Plaintiffs: 4 DAVID GROSSMAN, ESQUIRE 5 MARK H.M. SOSNOWSKY, ESQUIRE 6 SEAN CARMAN, ESQUIRE 7 ALVIN CHU, ESQUIRE 8 VINNIE SIDHU, ESQUIRE 9 UNITED STATES DEPARTMENT OF JUSTICE 10 450 Fifth Street, N.W. 11 Washington, D.C. 20530 12 david.grossman@usdoj.gov 13 mark.sosnowsky@usdoj.gov 14 sean.carman@usdoj.gov 15 alvin.chu@usdoj.gov 16 vinnie.sidhu@usdoj.gov 17 On behalf of the Defendant: 18 CARTER E. GREENBAUM, ESQUIRE 19 PAUL, WEISS, RIFKIND, 20 WHARTON & GARRISON, LLP 21 1285 Avenue of the Americas 22 New York, New York 10019 cgreenbaum@paulweiss.com -and- ANNELISE CORRIVEAU, ESQUIRE PAUL, WEISS, RIFKIND, WHARTON & GARRISON, LLP 2001 K Street, N.W. Washington, D.C. 20006 acorriveau@paulweiss.com Also Present: Jonathan Perry, Videographer Erin Hendrixson, Department of Transportation Also Present Via Remotely: Steve Hench, National Highway Traffic Safety Administration</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S 2 (2:55 p.m.) 3 4 THE VIDEOGRAPHER: We are now on 5 the record. 6 This begins the testimony of Susan 7 A. McMeen taken in the matter of the United 8 States versus -- the United States, et al. 9 versus Google LLC, case filed in the U.S. 10 District Court for the Eastern District of 11 Virginia, Alexandria Division. 12 The time is currently 2:55 p.m., and 13 the date is September 26, 2023. We are at the 14 offices of Paul Weiss, 2001 K Street, 15 Northwest, in Washington, D.C. 16 The videographer is Jonathan Perry 17 and the court reporter is Bonnie Russo both 18 here on behalf of Veritext. 19 Will counsel present please 20 introduce themselves and state whom they 21 represent. 22 MR. GREENBAUM: My name is Carter</p>

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<p>1 A. I do see that.</p> <p>2 Q. What do you understand that to mean?</p> <p>3 A. That they shifted the remaining</p> <p>4 Google display budget to Facebook display in</p> <p>5 September, which was much stronger click --</p> <p>6 CTRs, which is click-through rates.</p> <p>7 Q. I think you might be going ahead --</p> <p>8 A. Oh, sorry.</p> <p>9 Q. -- to the next sentence --</p> <p>10 A. Oops. Sorry.</p> <p>11 Q. -- but I was reading the first one.</p> <p>12 But we will get there in just a moment.</p> <p>13 A. Okay.</p> <p>14 Q. So the first sentence was: "The</p> <p>15 display campaign launched on July 22nd and was</p> <p>16 added as a complement in tandem with Google</p> <p>17 Search to increase the reach of the campaign."</p> <p>18 What does that mean, to increase the</p> <p>19 reach of the campaign?</p> <p>20 A. Reach is how many people you can</p> <p>21 reach. How many people you can reach in a</p> <p>22 campaign.</p>	<p>1 spend from Google display to Facebook display?</p> <p>2 MR. GROSSMAN: Objection to form.</p> <p>3 THE WITNESS: That they shifted the</p> <p>4 remaining Google display budget to Facebook</p> <p>5 display in September.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. So your media agency is recommending</p> <p>8 shifting spend from purchasing display</p> <p>9 advertising using Google to purchasing display</p> <p>10 advertising using Facebook here --</p> <p>11 MR. GROSSMAN: Objection to form.</p> <p>12 BY MR. GREENBAUM:</p> <p>13 Q. -- is that right?</p> <p>14 MR. GROSSMAN: Objection to form and</p> <p>15 foundation.</p> <p>16 THE WITNESS: That is what it says.</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. Do you recall telling your media</p> <p>19 agency not to shift spend from Google to</p> <p>20 Facebook?</p> <p>21 A. I do not recall that.</p> <p>22 Q. Okay. You can put this document</p>
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<p>1 Q. So this display campaign was</p> <p>2 launched to increase the reach of the campaign?</p> <p>3 A. It was added as a component to reach</p> <p>4 the campaign in tandem.</p> <p>5 Q. The next sentence says: "The</p> <p>6 highest performing display unit was the 580 by</p> <p>7 400 at 0.08."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And the next line says:</p> <p>11 "Unfortunately, the average CTR for this</p> <p>12 campaign was at 0.06 percent, which is much</p> <p>13 lower than other tactics on the plan.</p> <p>14 Recognizing this, we shifted the remaining</p> <p>15 Google display budget to Facebook display in</p> <p>16 September, which has much stronger CTRs."</p> <p>17 Did I read that correctly?</p> <p>18 A. That's correct.</p> <p>19 Q. What does CTRs stand for?</p> <p>20 A. Click-through rate.</p> <p>21 Q. And what do you understand to be</p> <p>22 conveyed here in this report about shifting</p>	<p>1 aside.</p> <p>2 So we talked in your last deposition</p> <p>3 about when you personally learned about this</p> <p>4 lawsuit.</p> <p>5 Do you recall that?</p> <p>6 A. I'm sorry. What's the question?</p> <p>7 Q. I want to talk to you about -- in</p> <p>8 your role as a representative of NHTSA about</p> <p>9 when NHTSA first learned of this lawsuit.</p> <p>10 Do you know when that was?</p> <p>11 A. Sometime in the end of February,</p> <p>12 beginning of March.</p> <p>13 Q. So was that after the Department of</p> <p>14 Justice filed suit?</p> <p>15 MR. GROSSMAN: I just want to</p> <p>16 caution the witness not to reveal the content</p> <p>17 of any attorney-client communications related</p> <p>18 to this case. You can answer with regard to</p> <p>19 when certain communications happened.</p> <p>20 THE WITNESS: It's my understanding</p> <p>21 from NHTSA that it was the end of February,</p> <p>22 beginning of March.</p>

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<p style="text-align: right;">Page 94</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. In connection with today's</p> <p>3 deposition, did you ask your COR about the</p> <p>4 process by which Google's -- gets paid for the</p> <p>5 services it provides to your ad agencies?</p> <p>6 MR. GROSSMAN: Objection to form.</p> <p>7 THE WITNESS: I didn't specifically</p> <p>8 ask Google. I just -- I was asking in general</p> <p>9 how they do it and how they use -- you know,</p> <p>10 the process they go through to do approvals of</p> <p>11 invoices.</p> <p>12 BY MR. GREENBAUM:</p> <p>13 Q. And are the -- putting aside that</p> <p>14 you don't know who the invoices are billed</p> <p>15 to --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- is the invoice for Google</p> <p>18 services on the vehicle campaigns billed to</p> <p>19 NHTSA?</p> <p>20 A. No. It gets billed to our ad -- you</p> <p>21 know, whomever is doing the -- the buy.</p> <p>22 Q. And that whomever could be one of</p>	<p style="text-align: right;">Page 96</p> <p>1 you very much for your time. I have no further</p> <p>2 questions, but appreciate all the time we spent</p> <p>3 together over two days. So thank you.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MR. GROSSMAN: Nothing further.</p> <p>6 Can we get a read-out of the final</p> <p>7 time spent on the record.</p> <p>8 THE VIDEOGRAPHER: Final time was 80</p> <p>9 minutes.</p> <p>10 MR. GROSSMAN: I just want to -- I</p> <p>11 just want to --</p> <p>12 MR. GREENBAUM: Can we go off the</p> <p>13 record.</p> <p>14 MR. GROSSMAN: Can we go off.</p> <p>15 THE VIDEOGRAPHER: Yes.</p> <p>16 Going off the record at 4:44. This</p> <p>17 ends the deposition.</p> <p>18 (Whereupon, the proceeding was</p> <p>19 concluded at 4:44 p.m.)</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: right;">Page 95</p> <p>1 Stratacomm's subcontractors?</p> <p>2 MR. GROSSMAN: Objection to form and</p> <p>3 foundation.</p> <p>4 THE WITNESS: Yes. Like, as I</p> <p>5 explained, and they do it on behalf of NHTSA.</p> <p>6 MR. GREENBAUM: Okay. You can put</p> <p>7 this to the side.</p> <p>8 I think -- can we take a break, and</p> <p>9 if we take a break now, I might be able to wrap</p> <p>10 up quickly.</p> <p>11 MR. GROSSMAN: Sure.</p> <p>12 THE WITNESS: Great.</p> <p>13 MR. GREENBAUM: Let's go off the</p> <p>14 record.</p> <p>15 THE VIDEOGRAPHER: Off the record at</p> <p>16 4:34. This ends Media Unit No. 1. We are off</p> <p>17 the record.</p> <p>18 (A short recess was taken.)</p> <p>19 THE VIDEOGRAPHER: On the record at</p> <p>20 4:44. This begins Media Unit 2 in the</p> <p>21 testimony of Susan McMeen.</p> <p>22 MR. GREENBAUM: Ms. McMeen, thank</p>	<p style="text-align: right;">Page 97</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Notary Public in and for</p> <p>22 the District of Columbia</p> <p>My Commission expires: August 14, 2025</p>

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